

**CITY OF ROCKVILLE PLANNING DIVISION
STAFF REPORT**

June 17, 2003

SUBJECT:

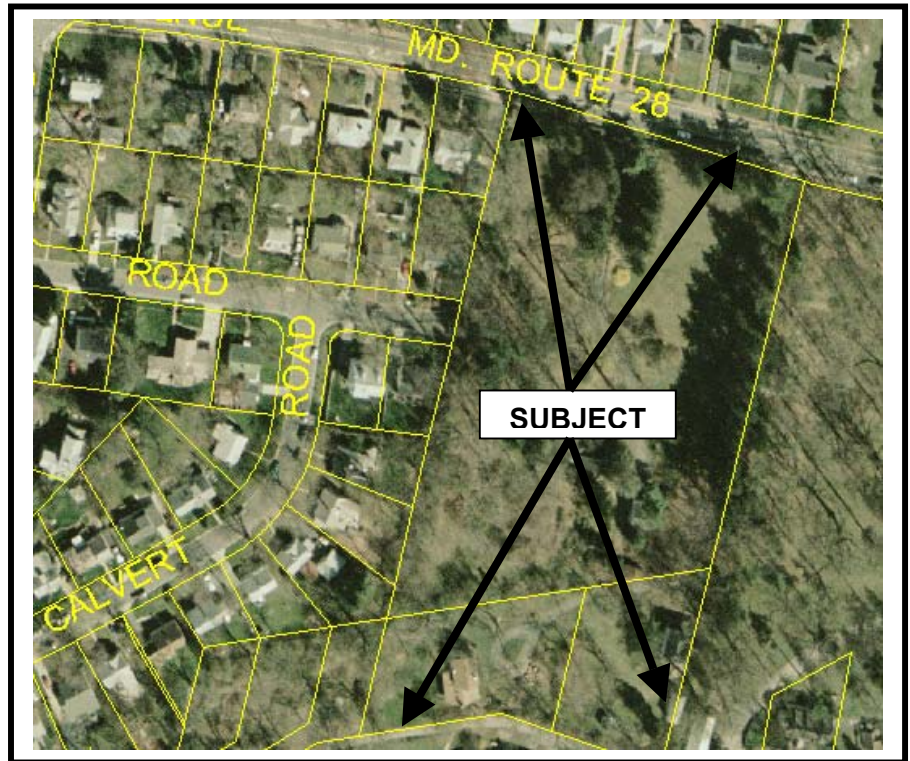
Detailed Application PRU2003-0020A
for Planned Residential Unit (PRU)
Development PRU2001-00020,
Buckingham Property

Applicant: Wycliffe L.C. (Elm Street
Development Corp.)
6820 Elm Street, # 200
McLean, VA, 22101

Owner: Same

Date Filed: February 5, 2003

Location: 520, 522 and 512 West
Montgomery Avenue,
adjacent to The
Washington Waldorf
School Property (Chestnut Lodge). Generally referred to as the Buckingham Property.



REQUEST:

The applicant seeks detailed (final) approval for a 13-lot subdivision in the area described above. The application is the second and final phase of the Planned Residential Unit (PRU) approval process. The first phase was the approval of an Exploratory Application, which was approved by the Mayor and Council. The request is for 11 new houses, with two of the existing three houses to remain. This is consistent with the approved Exploratory Application.

As part of the application, the Planning Commission will also review and approve Architectural Guidelines, which will ultimately be incorporated into the Home Owners Association (HOA) documents for this property.

PREVIOUS RELATED ACTIONS:

- PRU2001-00020, Exploratory Plan Application for Planned Residential Unit development, approved by the Mayor and Council, October 14, 2002.

RELEVANT ISSUES

In reviewing the application, the following issues emerged and have been addressed:

- The Mayor and Council approved the PRU with a significant amount of detail and conditions, including the addition of HOA open space buffers, the incorporation of the West Montgomery Avenue Historic District across the first three lots of the project, and retention of the significant tree area. Staff has been working with the applicant to ensure that all of the conditions and requirements of the PRU Resolution have been met.
- Property line fencing against HOA open space and public parkland has been discussed at great length. Since the PRU resolution established HOA buffers around the perimeter of the site, it has been the intention of staff to mitigate any negative impacts that varying styles of fencing may have on the proper maintenance of the buffer area. Staff and the applicant have agreed that a single style fence, split rail with optional mesh wiring, will be installed by the applicant on all lots that are adjacent to HOA buffers or Park areas. The fences will be the responsibility of each homeowner for maintenance.
- The resolution of approval states that the three lots of this project that front on West Montgomery Avenue are to be incorporated into the West Montgomery Avenue Historic District. As such, the Mayor and Council determined that the Historic District Commission (HDC) will review and approve the three new homes being constructed on West Montgomery Avenue, with the HDC providing comments to the Planning Commission on the architecture of the remaining lots on the site. Staff and the applicant have been working on procedures to accommodate this requirement.

ANALYSIS

Background

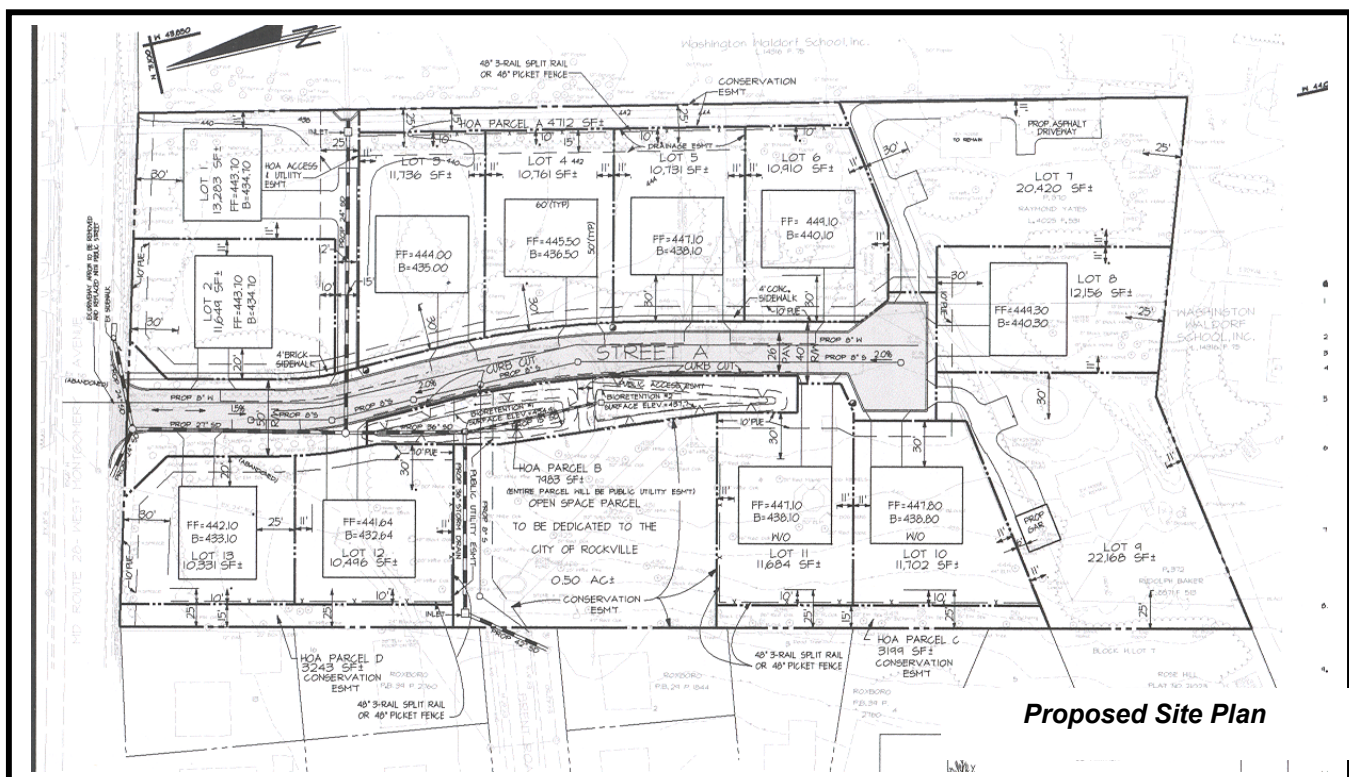
On October 14, 2002, the Mayor and Council, after two Public Hearings, approved PRU2002-00020, Exploratory Plan Application, for this location. That approval was for 13 single family detached homes on this property. Of this total, there will be 11 new homes, with two of the original three homes remaining. Approval of this Exploratory Plan allowed the applicant to proceed to the second phase of the PRU process, which is application for and approval of a Detailed Application.

This proposal represents the Detailed Application phase of the process, and reflects the conditions and restrictions approved by the Mayor and Council. The original proposal for this site was for 18 homes (16 new and two existing), but was amended to 17 during the staff review prior to the first Public Hearing in front of the Mayor and Council. After the second public hearing, the current iteration of the plan, 13 units, was approved.

Property Description

The subject of this application is a 5.35-acre tract of land composed of three properties located on West Montgomery Avenue, directly between a portion of the former Chestnut Lodge site, and six lots of the Roxboro neighborhood. The Washington Waldorf School currently owns the Chestnut Lodge site. The portion of the Chestnut Lodge site adjacent to this application is a wooded area that is part

The tract that is the subject of this application has been referred to as “The Buckingham property.” That is because for many years Dr. Buckingham, a prominent veterinarian, occupied the property. A sign on the property near the West Montgomery Avenue driveway says “Thirty Oaks,” which was a direct reference to some of the significant trees on the property.



Proposal

The applicant requests detailed application approval for 13 single family detached homes on this site. Of the total, there will be 11 new homes and two existing homes that will remain. A third home on the site will be removed. In addition to the homes, the applicant will be preserving and providing a .50-acre park, that will have a forest conservation easement placed on it. This park, which is generally located in the vicinity of the terminus of Brent Road, is the site of the most significant trees associated with this site. There will be no access to Brent Road provided through this area.

Adjacent to this tree save area, along the western boundary of the site, is a 15 foot wide HOA buffer that was required as part of the Exploratory Plan approval. There is also a buffer along the eastern edge of the property. This area is to be planted in accordance with Exhibit B of this application, and maintained in perpetuity by the HOA. Access to the HOA open space buffers will be provided through ingress/egress easements across the private lots.

Bioretention facilities to treat stormwater runoff quality are also proposed as part of this application, and they are adjacent to the eastern edge of the park and the main road for the development. The City will maintain the structural elements of the bioretention facilities, with the HOA being responsible for landscaping and regular maintenance. The HOA and homebuyers will be provided with educational materials about the facilities and their function. Signage installed near the facilities will explain their function

As part of this proposal, the applicant is showing lot layouts and building envelopes that are consistent with the approved Exploratory application (see attachments D, E, as well as Exhibit A.). In addition, the Mayor and Council established the development standards during the Exploratory Plan phase. These standards are generally consistent with the R-90 zoning district with respect to lot size and lot coverage. The application includes 30-foot front setbacks, 11-foot side setbacks and 10- foot rear setbacks, where rear yards are adjacent to the 15-foot HOA buffers. This creates a 25-foot setback from the property boundaries, which is consistent with R-90 zoning. The only exceptions are two of the three houses that face West Montgomery that are at the entrance to the subdivision, on the corner of West Montgomery Avenue and the new proposed street. On these lots, a reduced front yard setback from the proposed street is allowed. The PRU process allows for the waiving of development standards, and given the corner lot orientation, the setbacks were established as per attachment D and E, approved by resolution.

One of the unique features of this development is the incorporation of the three houses along West Montgomery Avenue into the West Montgomery Avenue Historic District. While not physically a part of the District yet, all reviews are proceeding as if inclusion into the district has occurred. This includes the provision within the Resolution that the Historic District Commission (HDC) review and approve the three houses that front on West Montgomery, and the HDC's participation in commenting on the required Architectural Design Guidelines. A Map Amendment has been filed to create the District, and it will go forward once the lots are platted to ensure that the boundaries of the district and lots match. Platting will occur after approval of the Detailed Application.

STAFF RECOMMENDATION:

Approval is recommended, subject to the following conditions:

1. Submission, for approval by the Chief of Planning, of eleven (11) copies of the site plan, revised according to Planning Commission Exhibit A.
2. Submit detailed engineering drawings with supporting computations to DPW for review and approval for:
 - a. stormwater management.
 - b. sediment control.
 - c. public improvements including water, sanitary sewer, storm drain and paving, sidewalk, street tree and lighting, and signing/markings (per latest edition of MUTCD).
3. Post bonds and obtain permits from DPW as necessary or required by DPW.
4. Submission for the approval of the Chief of Planning, of 11 copies of a Landscape Plan that is revised according to Planning Commission Exhibit B.
5. Submission of an applicant-signed copy of the Detailed Application approval letter.
6. The access point between bioretention areas shall be delineated but not have a driveway apron. An ingress/egress easement for this access point shall be provided, with the access point serving as public access to the park, as well as for maintenance access.
7. Post bonds and obtain necessary permits from MSHA.
8. Upgrade storm drain system on Calvert Road at the intersection with Aberdeen Road to provide safe conveyance, as well as upgrade storm drain system at the end of Brent Road where it meets the limits of this application. This also includes the proper abandonment of the public storm drain system that is no longer needed at the end of Brent Road.
9. Provide easements to the City for all public utilities not located in the City right-of-way. This includes stormwater easement and maintenance agreement and surface drainage easement (Lots 3-6), storm drain easement between lots 1, 2 and 3, and public utility easement through the proposed park.
10. Add fire hydrants and post hydrants as necessary.
11. Applicant will provide new water and sewer house connections for existing homes, and abandon existing connections and/or septic system (per Montgomery County requirements).
12. Applicant will construct a fence, at the time of building permit for homes, on the homeowners' lots, to be maintained in perpetuity by the homeowner, as indicated on Exhibit A. Fence shall be limited to a 48-inch tall, three rail, split rail fence. Mesh wiring will be allowed for containment purposes. This fence may not be removed and must be maintained on the lots in perpetuity. Gate access is allowed into the park only. Gate access into the HOA

open space is prohibited. This type of fence is required only in the areas identified on Exhibit A, which are generally in locations delineating HOA or city-owned open space. Other locations may have fences as specifically outlined within the architectural guidelines.

13. Architectural plans for individual houses must be presented to the HDC, the Planning Commission, or both, for approval prior to issuance of a building permit. The three lots fronting on West Montgomery Avenue shall be reviewed and approved by the HDC at a public meeting. The Planning Commission will review and approve, at a public meeting, the balance of the lots of the subdivision.
14. The architectural guidelines approved through this application must be referenced and/or incorporated into the HOA documents for future reference and compliance.
15. All conditions and requirements of Resolution 19-02 and its accompanying exhibits remain in effect. In the event of a conflict between this approval and the resolution, the more specific condition applies unless specifically precluded by Resolution 19-02.
16. HOA documents shall include educational information regarding the function and maintenance of bioretention facilities,
17. Signage shall be installed to explain the purpose of the bioretention facilities.
18. The HOA will be responsible for maintenance of the buffers per Resolution 19-02 and the approved Landscape Plan (Exhibit B). Planted trees that die shall be replaced with the same species on a one-to-one basis. Existing mature trees shall be replaced per the City's significant tree replacement table. Buffer areas may be mowed and mulched to control grasses, weeds and invasive plants. If pruning of trees in buffer is required, ANSI A-300 pruning standards must be adhered to, and a Licensed Tree Expert must perform the work. Language shall be included in the HOA documents allowing non-vehicular access through all lots by the HOA for maintenance of the buffers if necessary. Non-vehicular maintenance is allowed through the City park subject to notification of the City Forester, and vehicular access may be allowed through the park on a case-by-case basis pending approval of the City Forester.

TRANSPORTATION

Traffic

The primary means of ingress and egress to this site is via a proposed public street with a 40-foot right of way that will access West Montgomery Avenue. Driveway access will be provided for all of the houses on this street, and a turnaround has been incorporated at the end of the street to facilitate trucks turning and fire apparatus. There will be a sidewalk on the east side of the street only, with two bioretention facilities and the park being adjacent to a large portion of the street on the west side, precluding the addition of a sidewalk. There will be curb and gutter provided, with openings provided on the west side to allow water to drain into the bioretention facilities.

Parking

Parking required by the Zoning Ordinance will be provided on each lot within the garages and in the driveways for each residence. Additional parking on the street will be available.

Architecture

The resolution requires a dual procedure for the approval of architecture within this development. The front three houses that will be incorporated into the West Montgomery Avenue Historic District will be reviewed and approved at the time of building permit by the HDC. The remaining houses within the development will be reviewed at the time of building permit submittal by the HDC, who will then provide comments to the Planning Commission, who retains final approval authority for the portion of the subdivision outside the Historic District. Condition 13 outlines the procedure for approval of individual architecture.

All architecture shall conform to the approved Architectural Guidelines, which are to be approved as part of this application (attachment F). Part of the approval process of the Architectural Design Guidelines is the review and comment by the HDC, to be provided to the Planning Commission during the evaluation of the Detailed Application. Those comments will be provided in a separate memo to the Planning Commission.

STORMWATER MANAGEMENT

A stormwater management concept plan has been approved for this project. Water quality for the majority of the site will be provided by two bioretention areas adjacent to the park. These facilities will be landscaped as per the approved landscape plan. Water quality for the periphery of the site and all of the water quantity will be handled through monetary participation in Rockville's regional SWM participation fund. As noted within the condition 8 above, two storm drain connections will be upgraded as part of this project.

LANDSCAPING

A landscape plan for the site has been provided as Planning Commission Exhibit "B." The landscape plan includes landscape buffers in HOA parcels that are to be planted and maintained by the HOA and the aforementioned bioretention areas. The intent of these landscape buffers is to mitigate the visual impact of the new houses from the adjoining properties. It is not, however, the intent of the buffer to provide a contiguous evergreen screen. The area will be planted according to the approved landscape plan Exhibit B, and will be maintained, in perpetuity, by the HOA. Existing invasive plants and dead trees will be removed prior to house construction. The immediate result may be less screening due to loss of these plants. However, new trees shown in the landscape plan will be planted to meet the intent of the buffer, and they must be maintained by the HOA.

Forest/Tree Preservation

There is an approved Forest Conservation Plan that addresses the significant trees on this site that are to be protected as part of this application through the creation of a public park.

Equipment Screening

All transformers or telecommunications equipment are required by the City of Rockville to be placed underground. Any equipment that the applicant proposes to place above ground must be approved in accordance with the submission and approval of a waiver of the city's underground utility requirements. This waiver must be approved by the City of Rockville Planning Commission.

The Applicant has indicated that all equipment locations are shown on the plans and will be underground. Also, there will be no overhead utility line connections.

PUBLIC ART IN PRIVATE DEVELOPMENTS

The applicant has stated that through the PRU process, a lot of effort and expense has been put forth to protect the most significant feature of this site, which is the .50-acre park. The applicant feels that this park, being given to the city, will provide a lasting amenity for all of the citizens of the City of Rockville, and would hope that the Planning Commission would consider this as satisfying any other requirements or guidelines. The applicant has stated, however, that if the Planning Commission deems it necessary, they will either construct art on the property or contribute \$5,000.00 to a City of Rockville arts organization.

STAFF COMMENTS

This application is consistent with the approved Exploratory Plan, and Staff recommends approval subject to the conditions listed earlier.

Staff endorses this application as meeting the full intent of the Planned Residential Unit special development procedure and the accompanying resolution, as well as the conditions of approval of PRU2001-00020.

NOTIFICATION

Notices were sent to approximately 787 residences, businesses and association presidents.

APPROVAL LIMITATIONS

Section 25-193(d) of the Zoning Ordinance requires that **construction or operation must commence within two (2) years of the date of this decision or application approval shall expire.** If the applicant can show just cause, a maximum of two (2) time extensions may be granted by the Planning Commission, each not to exceed one year. However, time extensions are not automatically

approved, and sufficient detail and justification will be required in order for the Planning Commission to consider granting an extension.

CONCLUSION

Staff believes that this application is consistent with the approved Exploratory Plan approved by the Mayor and Council for the Buckingham property. As a result, staff recommends approval of Detailed Application PRU2003-0020A for a 13-unit subdivision, with the conditions on page 4, 5 and 6.

Attachments